

ASSEMBLY BILL

No. 2078

Introduced by Assembly Member Fuentes

February 19, 2008

An act to amend Sections 46300, 51760, 51760.5, 51763, 51766, 51767, 51768, 51769, and 51769.5 of, and to add Section 51760.1 to, the Education Code, relating to work-based learning.

LEGISLATIVE COUNSEL'S DIGEST

AB 2078, as introduced, Fuentes. Work-based learning.

Existing law authorizes school districts that maintain high schools to establish work experience programs for the purpose of providing pupils with instruction in skills, attitudes, and understandings necessary for success in employment. Existing law provides for school districts that establish work experience programs to receive apportionments based on the average daily attendance in those programs, and provides procedures for the calculation of the amount of those apportionments.

This bill would authorize school districts that maintain high schools to establish work-based learning programs, and to purchase liability insurance for pupils enrolled in programs of study involving work-based learning off school grounds. The bill would define work-based learning to mean, but not necessarily be limited to, work experience that reinforces academic subject matter as taught in the classroom, where both pupils and employers clearly understand the goals and expectations of the program. The bill would also provide for the calculation of apportionments for the average daily attendance in work-based learning programs pursuant to the same provisions that govern the calculation of apportionments for work experience programs. The bill would also

make various conforming changes so that provisions applying to work experience programs would also apply to work-based learning.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 46300 of the Education Code is amended
2 to read:

3 46300. (a) In computing average daily attendance of a school
4 district or county office of education, there shall be included the
5 attendance of pupils while engaged in educational activities
6 required of those pupils and under the immediate supervision and
7 control of an employee of the district or county office who
8 possessed a valid certification document, registered as required
9 by law.

10 (b) (1) For the purposes of *a work-based learning program or*
11 *a work experience education program* in a secondary school that
12 meets the standards of the California State Plan for Vocational
13 Education, “immediate supervision,” in the context of off-campus
14 work training stations, means pupil participation in on-the-job
15 training as outlined under a training agreement, coordinated by
16 the school district under a state-approved plan, wherein the
17 employer and certificated school personnel share the responsibility
18 for on-the-job supervision.

19 (2) The pupil-teacher ratio in a *work-based learning program*
20 *or a work experience program* shall not exceed 125 pupils per
21 full-time equivalent certificated teacher coordinator.
22 ~~Notwithstanding Section 52033, this~~ This ratio may be waived by
23 the State Board of Education pursuant to Article 3 (commencing
24 with Section 33050) of Chapter 1 of Part 20 of *Division 2* under
25 criteria developed by the State Board of Education.

26 (3) A pupil enrolled in a *work-based learning program or a*
27 *work experience program* shall not be credited with more than one
28 day of attendance per calendar day, and shall be a full-time pupil
29 enrolled in regular classes that meet the requirements of Section
30 46141 or 46144.

31 (c) (1) For purposes of the rehabilitative schools, classes, or
32 programs described in Section 48917 that require immediate
33 supervision, “immediate supervision” means that the person to

1 whom the pupil is required to report for training, counseling,
2 tutoring, or other prescribed activity shares the responsibility for
3 the supervision of the pupils in the rehabilitative activities with
4 certificated personnel of the district.

5 (2) A pupil enrolled in a rehabilitative school, class, or program
6 shall not be credited with more than one day of attendance per
7 calendar day.

8 (d) (1) For the purposes of computing the average daily
9 attendance of pupils engaged in the educational activities required
10 of high school pupils who are also enrolled in a regional
11 occupational center or regional occupational program, the school
12 district shall receive proportional average daily attendance credit
13 for those educational activities that are less than the minimum
14 schoolday, pursuant to regulations adopted by the State Board of
15 Education; however, none of that attendance shall be counted for
16 purposes of computing attendance pursuant to Section 52324.

17 (2) A school district shall not receive proportional average daily
18 attendance credit pursuant to this subdivision for any pupil in
19 attendance for less than 145 minutes each day.

20 (3) The divisor for computing proportional average daily
21 attendance pursuant to this subdivision is 240, except that, in the
22 case of a pupil excused from physical education classes pursuant
23 to Section 52316, the divisor is 180.

24 (4) Notwithstanding any other provision of law, travel time of
25 pupils to attend a regional occupational center or regional
26 occupational program shall not be used in any manner in the
27 computation of average daily attendance.

28 (e) (1) In computing the average daily attendance of a school
29 district, there shall also be included the attendance of pupils
30 participating in independent study conducted pursuant to Article
31 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for
32 five or more consecutive schooldays.

33 (2) A pupil participating in independent study shall not be
34 credited with more than one day of attendance per calendar day.

35 (f) For purposes of cooperative vocational education programs
36 and community classrooms described in Section 52372.1,
37 “immediate supervision” means pupil participation in paid and
38 unpaid on-the-job experiences, as outlined under a training
39 agreement and individualized training plans wherein the supervisor

1 of the training site and certificated school personnel share the
2 responsibility for the supervision of on-the-job experiences.

3 (g) In computing the average daily attendance of a school
4 district, there shall be included the attendance of pupils in
5 kindergarten after they have completed one school year in
6 kindergarten only if the school district has on file for each of those
7 pupils an agreement made pursuant to Section 48011, approved
8 in form and content by the State Department of Education and
9 signed by the pupil's parent or guardian, that the pupil may
10 continue in kindergarten for not more than an additional school
11 year.

12 SEC. 2. Section 51760 of the Education Code is amended to
13 read:

14 51760. The governing board of any district maintaining a high
15 school may:

16 (a) Provide for the instruction of pupils in the skills, attitudes,
17 and understandings necessary to success in employment by means
18 of courses of *work-based learning* or work experience education
19 as provided in this article.

20 (b) Provide for guidance and supervision procedures designed
21 to insure maximum educational benefit to students from placement
22 in suitable *work-based learning* or work experience education
23 courses.

24 (c) Provide for arranging, approving, coordinating, and awarding
25 credit for *work-based learning* or work experience education
26 courses, and for those purposes employ instructors, coordinators,
27 and other necessary personnel.

28 (d) Provide for the district to purchase liability insurance for
29 ~~students~~ *pupils* enrolled in programs of study involving *work-based*
30 *learning*, work experience, or vocational education at locations
31 off school grounds approved by the governing board, or require
32 students to purchase insurance and to pass on all or a portion of
33 the costs, at the discretion of the governing board, to the district.

34 SEC. 3. Section 51760.1 is added to the Education Code, to
35 read:

36 51760.1. (a) The Legislature finds and declares all of the
37 following:

38 (1) California must make more efficient use of limited resources
39 to do a better job of preparing pupils for an economy that demands
40 that workers have strong academic and career knowledge and

1 skills, are adaptable to change, and are prepared for lifelong
2 learning.

3 (2) The rapid growth of California's population and the labor
4 force requires special efforts to attract, support, and retain
5 businesses that pay high wages to highly skilled workers.
6 Therefore, improvement in the overall quality of the workforce is
7 a vital component of economic development in California.

8 (3) Work-based learning can be an important factor in the
9 development of a more skilled and successful workforce for
10 California.

11 (b) "Work-based learning," as used in this article, means, but
12 is not necessarily limited to, work experience that reinforces
13 academic subject matter as taught in the classroom, where both
14 pupils and employers clearly understand the goals and expectations
15 of the program.

16 SEC. 4. Section 51760.5 of the Education Code is amended to
17 read:

18 51760.5. (a) Notwithstanding Section 51760, attendance in
19 *work-based learning or* work experience classes or programs
20 maintained by a regional occupational center or regional
21 occupational program shall not receive apportionments from state
22 funds based on average daily attendance unless ~~such~~ *those* classes
23 or programs are in conformance with standards adopted pursuant
24 to Section 52372.

25 ~~A student~~

26 (b) *A pupil* enrolled in a vocational education class using the
27 cooperative vocational education methodology conducted by a
28 regional occupational center or program shall not be credited with
29 more than 15 hours of attendance in any calendar week for purposes
30 of the methodology.

31 SEC. 5. Section 51763 of the Education Code is amended to
32 read:

33 51763. All laws or rules applicable to minors in employment
34 relationships are applicable to students enrolled in *work-based*
35 *learning or* work experience education courses.

36 SEC. 6. Section 51766 of the Education Code is amended to
37 read:

38 51766. Work experience education *or work-based learning*
39 involving apprenticeable occupations shall be consistent with the
40 purposes of Chapter 4 (commencing with Section 3070); *of*

1 Division 3 of the Labor Code and with standards established by
2 the California Apprenticeship Council.

3 SEC. 7. Section 51767 of the Education Code is amended to
4 read:

5 51767. The governing board of any school district ~~which that~~
6 maintains one or more high schools may provide for the
7 establishment and supervision of *work-based learning* or work
8 experience education programs in areas outside the district, either
9 within this state or in a contiguous state.

10 SEC. 8. Section 51768 of the Education Code is amended to
11 read:

12 51768. The governing board of any school district providing
13 *work-based learning*, work experience ~~and~~, or work study
14 education may provide for employment under the program of
15 pupils in part-time jobs located in areas outside the district, either
16 within this state or in a contiguous state, and the employment may
17 be by any public or private employer. The districts may pay wages
18 to persons receiving the training whether assigned within or without
19 the district and may provide workers' compensation insurance as
20 may be necessary, but no payments may be made to or for private
21 employers. However, wages to individuals with exceptional needs,
22 as defined in Section 56026, may be paid to or for private
23 employers as part of work experience programs funded through
24 the annual Budget Act for these individuals.

25 SEC. 9. Section 51769 of the Education Code is amended to
26 read:

27 51769. (a) Notwithstanding any provision of this code or the
28 Labor Code to the contrary, the school district, county
29 superintendent of schools, or any school administered by the ~~State~~
30 ~~Department of Education~~ *department*, under whose supervision
31 *work-based learning*, work experience education, cooperative
32 vocational education, or community classrooms, as defined by
33 regulations adopted by the Superintendent of ~~Public Instruction~~,
34 or a job shadowing experience, as defined in subdivision (b), or
35 student apprenticeship programs registered by the Division of
36 Apprenticeship Standards of the Department of Industrial Relations
37 for registered student apprentices, are provided, shall be considered
38 the employer under Division 4 (commencing with Section 3200)
39 of the Labor Code of persons receiving this training unless the
40 persons during the training are being paid a cash wage or salary

1 by a private employer, except in the case of registered student
2 apprentices, when the school district, county superintendent of
3 schools, or any school administered by the State Department of
4 Education elects to provide workers' compensation insurance, or
5 unless the person or firm under whom the persons are receiving
6 work experience or occupational training elects to provide workers'
7 compensation insurance. A registered student apprentice is a
8 registered apprentice who is (1) at least 16 years of age, (2) a
9 full-time high school student in the ~~10th, 11th, or 12th~~ grade *10,*
10 *11 or 12*, and (3) in an apprenticeship program for registered
11 student apprentices registered with the Division of Apprenticeship
12 Standards. An apprentice, while attending related and supplemental
13 instruction classes, shall be considered to be in the employ of the
14 apprentice's employer and not subject to this section, unless the
15 apprentice is unemployed. ~~Whenever~~ *If this work-based learning,*
16 *work experience education, cooperative vocational education,*
17 *community classroom education, or job shadowing, or student*
18 *apprenticeship program registered by the Division of*
19 *Apprenticeship Standards for registered student apprentices, is*
20 *under the supervision of a regional occupational center or program*
21 *operated by two or more school districts pursuant to Section 52301,*
22 *the district of residence of the persons receiving the training shall*
23 *be deemed the employer for the purposes of this section.*

24 (b) For purposes of this section, "job shadowing experience"
25 means a visit to a workplace for the purpose of career exploration
26 for no less than three hours and no more than 25 hours in one
27 semester, intersession, or summer school session.

28 SEC. 10. Section 51769.5 of the Education Code is amended
29 to read:

30 51769.5. Sections 1292, 1293, and 1294 of the Labor Code
31 shall not apply to *work-based learning or* work experience
32 education programs established pursuant to this article if all of the
33 following occur:

34 (a) The *work-based learning or* work experience coordinator
35 determines that the students have been sufficiently trained in the
36 employment or work otherwise prohibited.

37 (b) Parental approval is obtained.

- 1 (c) The principal or the counselor of the student has determined
- 2 that the progress of the ~~student~~ *pupil* toward graduation will not
- 3 be impaired.